

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, AUGUST 27, 2014

9:00 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LĪHUʻE, KAUAʻI, HAWAII 96766

RECEIVED

A. MEETING CALLED TO ORDER.

*14 AUG 21 P3:39

B. ROLL CALL.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

C. APPROVAL OF AGENDA.

D. PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

E. MINUTES of the following meetings of the Council:

1. July 2, 2014 Special Council Meeting
2. August 6, 2014 Special Council Meeting

F. CONSENT CALENDAR:

1. C 2014-228 Communication (07/29/2014) from the Chief of Police, transmitting for Council consideration, a proposed draft Bill to appropriate Criminal Asset Forfeiture Funds in the amount of \$70,000 for the Kaua'i Police Department, to purchase exercise equipment for the Waimea and Kawaihau Substations which will be used to assist police officers to meet the required physical performance standards for their positions. (*See Proposed Draft Bill (No. 2552)*)

2. C 2014-229 Communication (08/14/2014) from the Director of Finance and the Accounting Systems Administrator, transmitting for Council information, the Inventory Report for the Fiscal Year Ending June 30, 2014. *(Copy on file in the Clerk's Office.)*

G. COMMUNICATIONS:

1. C 2014-230 Communication (07/03/2014) from the Chief of Police, requesting agenda time to provide the Council with a presentation relating to the Community Oriented Police Services (COPS) Hiring Program Grant. This presentation shall include the program's history, goals and objectives, reporting criteria, measurable outcomes, and current status.
2. C 2014-231 Communication (07/07/2014) from the Chief of Police, requesting Council approval to accept and utilize a Morpho Face Investigate (MFI) Facial Recognition System from the State of Hawai'i Criminal Justice Data Center (HCJDC), valued at approximately \$12,000. The MFI system will be utilized to analyze and compare existing mug shot photos stored within the State of Hawai'i Offender Based Tracking System or Demographic Data Entry System, and is utilized by each County Police Department and other State of Hawai'i law enforcement agencies.
3. C 2014-232 Communication (07/10/2014) from the Director of Planning, transmitting for Council consideration, the Planning Commission's recommendation to amend Chapter 8, Article 2, Kaua'i County Code 1987, as amended, relating to the Comprehensive Zoning Ordinance, to incorporate non-zoned lands in the County of Kaua'i Agricultural Zoning District. *(Copies of the Zoning Amendment (Map), Planning Department Director's Report, Agency Comments, and the Minutes of the May 25, 2014 and May 27, 2014 Planning Commission Meetings on file in the County Clerk's Office.)*
4. C 2014-233 Communication (07/31/2014) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 608, Ho'okena at Puhi, located at 2080 Manawalea Street, Lihu'e, Hawai'i, and to grant the owner a one-year waiver of the buyback and allow the market sale of the unit.
5. C 2014-234 Communication (07/31/2014) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 701, Ho'okena at Puhi, located at 2080 Manawalea Street, Lihu'e, Hawai'i, and to grant the owner a one-year waiver of the buyback and allow the market sale of the unit.

6. EDR 2014-03 Communication (08/06/2014) from Mayor Carvalho, transmitting for Council consideration, the following bills to be included in the 2015 County of Kaua'i and Hawai'i State Association of Counties (HSAC) Legislative Packages:

- A Bill For An Act Relating To Evidence;
- A Bill For An Act Relating To Taxation; and
- A Bill For An Act Relating To Zoning.

(See also CR-EDR 2014-03; the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee recommended approval of A Bill For An Act Relating To Evidence and A Bill For An Act Relating To Zoning to be included in the 2015 County of Kaua'i and Hawai'i State Association of Counties (HSAC) Legislative Packages; and A Bill For An Act Relating To Taxation be received for the record.)

7. EDR 2014-04 Communication (08/08/2014) from Councilmember Yukimura, requesting approval of a Proposed Resolution Urging The Legislature Of The State Of Hawai'i To Amend Hawai'i Revised Statutes Chapter 46 To Give The Counties The Authority To Enact A General Excise Tax Surcharge To Fund Public Transportation, for inclusion in the 2015 Hawai'i State Association of Counties (HSAC) Legislative Package. *(See also CR-EDR 2014-04; the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee recommended EDR 2014-04 be received for the record.)*

H. COMMITTEE REPORTS:

1. ENVIRONMENTAL SERVICES / PUBLIC SAFETY / COMMUNITY ASSISTANCE COMMITTEE:

- a. **CR-EPC 2014-06:** on EPC 2014-03 Communication (08/13/2014) from Council Chair Furfaro, requesting the presence of the County Engineer, to provide an overview on the proposed "Pay As You Throw" program.
[Received for the Record.]

2. ECONOMIC DEVELOPMENT (SUSTAINABILITY / AGRICULTURE / FOOD / ENERGY) & INTERGOVERNMENTAL RELATIONS COMMITTEE:

a. CR-EDR 2014-03: on EDR 2014-03

Communication (08/06/2014) from Mayor Carvalho, transmitting for Council consideration, the following bills to be included in the 2015 County of Kaua'i and Hawai'i State Association of Counties (HSAC) Legislative Packages:

- A Bill For An Act Relating To Evidence; **[Approved.]**
- A Bill For An Act Relating To Taxation; and **[Received for the Record.]**
- A Bill For An Act Relating To Zoning. **[Approved.]**

b. CR-EDR 2014-04: on EDR 2014-04

Communication (08/08/2014) from Councilmember Yukimura, requesting approval of a Proposed Resolution Urging The Legislature Of The State Of Hawai'i To Amend Hawai'i Revised Statutes Chapter 46 To Give The Counties The Authority To Enact A General Excise Tax Surcharge To Fund Public Transportation, for inclusion in the 2015 Hawai'i State Association of Counties (HSAC) Legislative Package.
[Received for the Record.]

3. FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

a. CR-FED 2014-27: on Bill No. 2548

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Time Share Tax Classification Proposal*) **[Approved.]**

b. CR-FED 2014-28: on Bill No. 2549

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Residential Investor Tax Classification Proposal*)
[Received for the Record.]

c. CR-FED 2014-29: on Bill No. 2550

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Vacant Land Re-Classification*) **[Approved.]**

I. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2551) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 21, SECTIONS 21-1.3 AND 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT TO ESTABLISH VARIABLE RATES FOR THE COLLECTION OF RESIDENTIAL AND COMMERCIAL REFUSE (PAY AS YOU THROW) (*Deferred 08/13/2014*)

2. Proposed Draft Bill (No. 2552) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015 BY REVISING THE AMOUNTS ESTIMATED IN THE CRIMINAL ASSETS FORFEITURE FUND (*Kauai Police Department, Exercise Equipment – \$70,000*)

J. BILLS FOR SECOND READING:

1. Bill No. 2548 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Time Share Tax Classification Proposal*) (See also CR-FED 2014-27; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended approval on second and final reading.)

2. Bill No. 2549 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Residential Investor Tax Classification Proposal*) (See also CR-FED 2014-28; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended Bill No. 2549 be received for the record.)

3. Bill No. 2550 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Vacant Land Re-Classification*) (*See also CR-FED 2014-29; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended approval on second and final reading.*)

K. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

L. ADJOURNMENT.

M. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.